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BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO CA 94303

In re Application of: : DECISION ON PETITION TO
Rosen et al. : WITHDRAW THE HOLDING
Serial No.: 10/697,828 : OF ABANDONMENT
Filed: October 29, 2003 :
Attorney Docket No.: UCAL-138DIV :
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This is in response to applicants' petition under 37 CFR § 1.181(a) filed on July 6, 2005, requesting withdrawal of the holding of abandonment based on the timely filing of a response to the Office action mailed December 1, 2004. The delay in responding to this petition is regretted, however, it has only just been brought to the attention of the deciding authority.

A review of the file history shows that the examiner mailed an Office action to applicants on December 1, 2004, setting a one-month statutory time period for reply. On June 7, 2005, the examiner mailed a notice of abandonment for failure to respond to the outstanding Office action.

Applicants state that a timely response to the Office action was filed on June 1, 2005, as evidenced by the Certificate of Mailing date of June 1, 2005; and received by the USPTO on June 3, 2005, as evidenced by the return receipt stamped postcard identifying the papers filed. Applicants also requested and paid for a five-month extension of time.

In view of this evidence, applicants are considered to have submitted a timely reply.

Applicants' petition is GRANTED retroactively as the application is no longer in abandoned status.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

Bruce Kisliuk
Director, Technology Center 1600